

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION**

**MDL No. 2002
08-md-2002**

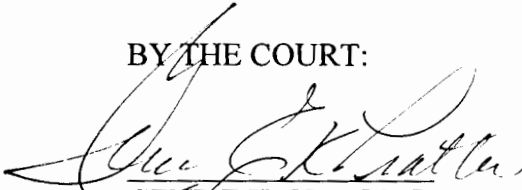
**THIS DOCUMENT APPLIES TO:
ALL DIRECT ACTION PLAINTIFF ACTIONS**

ORDER

AND NOW, this 20th day of December, 2012, upon consideration of the briefing regarding the Defendants' Motion to Dismiss the Direct Action Plaintiffs' Claims for Damages (Docket Nos. 638, 664-65, 680), and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that:

1. The motion is DENIED in part with respect to Giant Eagle's claim under Ohio law and the ability of all the Direct Action Plaintiffs to claim the benefit of class action tolling.
2. The motion is GRANTED in part without prejudice with respect to the Direct Action Plaintiffs' fraudulent concealment allegations pertaining to their federal law claims.
3. The Direct Action Plaintiffs may, by no later than January 18, 2013, seek leave to file amended complaints consistent with the terms of the Court's opinion.

BY THE COURT:


GENE E.K. PRATTER
United States District Judge